



Tajikistan

Country Reports on Human Rights Practices - [2002](#)

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Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions, including a Constitution adopted in 1994. President Emomali Rahmonov and an inner circle of fellow natives of the Kulyab region continued to dominate the Government; however, Rahmonov's narrow base of support somewhat limited his control of the entire territory of the country. Rahmonov won reelection in a 1999 election that was seriously flawed and was neither free nor fair. Some opposition figures held seats in the Parliament and positions in the Government. Rahmonov's supporters overwhelmingly won the February 2000 parliamentary elections that were neither free nor fair but that did allow several opposition parties to participate. May 2001 parliamentary by-elections were flawed, as were by-elections held in three districts during the year. Although stability throughout the country has increased significantly since the 1992-97 civil war, the Government still faced the challenge of maintaining law and order, and regional divisions within the security forces themselves persisted. The Constitution provides for an independent judiciary; however, it was not independent in practice.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although in practice the Government relied on a handful of commanders who used their forces for internal security. In a few regions local commanders exercised a degree of autonomy from the Government, although the Government's 2001 military operations against Rahmon Sanginov discouraged many former local opposition commanders from attempting to assert independence from government authority. The soldiers of some of these commanders were involved in crime and corruption. A Russian army motorized rifle division, part of a Commonwealth of Independent States (CIS) peacekeeping force established in 1993, remained in the country. Members of government security forces and government-aligned militias committed serious human rights abuses.

The economy is a state-controlled system in the process of a transition to a market-based system. The country has a population of approximately 6.4 million. Most of the work force was engaged in agriculture, which remained partly collectivized. Government revenue depended highly on state-controlled cotton production, and the small industrial sector was dominated by aluminum production. Small-scale privatization was more than 80 percent complete, but the level of medium to large scale privatization was much lower at approximately 16 percent. Many, but not all, wages and pensions were paid. Per capita gross national product was approximately \$180, and gross domestic product grew approximately 9 percent during the year. Official unemployment was estimated at 10 percent; however, "hidden" employment was approximately 40 percent. The continued influence of narcotics trafficking and other forms of corruption led to clear disparities of income between the vast majority of the population and a small number of former progovernment and opposition warlords, who controlled many of the legal and most of the criminal sectors of the economy.

The Government's human rights record remained poor; although there were improvements in some areas, serious problems remained. The citizens' right to change their government remained restricted. Unlike in past years, there were no reports that security forces committed extrajudicial killings; however, police and security forces committed unlawful killings for which they rarely were held accountable. The Government made progress in investigating political killings that occurred in previous years. There were deaths in custody. Explosions of landmines laid in years past killed some civilians. There were a number of disappearances and kidnappings. Security forces tortured, beat, and abused detainees and other persons. These forces also were responsible for threats, extortion, and abuse of civilians. The Government continued to use arbitrary arrest and detention and arrested persons for political reasons. Impunity remained a problem. Prison conditions remained harsh and life threatening. Lengthy pretrial detention remained a problem. The judiciary was subject to political and paramilitary pressure, and often there were long delays before trials. Law enforcement officers used torture to obtain confessions, which then were used in trial without qualification. The authorities infringed on citizens' right to privacy. The Government eased its restrictions on freedom of speech and loosened controls over electronic media but on occasion discouraged free

expression. Journalists practiced self-censorship. The Government restricted freedom of assembly and association by exercising strict control over political organizations and by intimidating demonstrators. There were some restrictions on freedom of religion. The Government eased restrictions on freedom of movement by eliminating the exit visa requirement. Violence and discrimination against women were problems, as was discrimination against persons with disabilities and religious and ethnic minorities. Child labor was a problem. There were some instances of forced labor, including by children. Trafficking in women and children was a serious problem, although the Government took some steps to address the problem.

Narco-traffickers and organized crime groups that operate in a quasi-military style continued to threaten, extort, and abuse the civilian population.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life:

There were no reports of political killings; however, there were reports of the arbitrary or unlawful killings committed by the Government and its agents, although it was difficult to estimate the total number of such killings or to attribute responsibility in many cases. According to security officials, members of the Government, including members of the police and security forces, committed some killings for reasons stemming from business or organized criminal activities. For example, in November the former chairman of the Shahrinai District outside Dushanbe was convicted of ordering the murder of a business rival in late 2001 while he was still in office. He was sentenced to 20 years in prison. Government officials were rarely held accountable for such crimes; however, there were several trials of former government officials in connection with similar cases.

Several local officials, businessmen, and professional figures were killed during the year, for a variety of political, economic, and ethnic reasons. In September the brother of the director of a major collective farm in the Isfara District was murdered. The local Islamic Revival Party of Tajikistan (IRPT) office claimed that the murder was an attempt to destabilize the political situation in Isfara, and IRPT called for a thorough investigation; a police investigation continued at year's end.

Government officials claimed progress in investigating a number of political killings in recent years. The Government formed a special investigative unit and announced that a number of arrests had been made and charges filed by year's end; however, the Government indicated that some of those under investigation were being detained without formal charges. Some of these individuals were held incommunicado (see Section 1.d.). Local and international observers questioned the objectivity of the investigations. These included investigations of the killings of former Chairman of the Garm District Sirojiddin Davlatov in 2000; former Deputy Prime Minister Moyonsho Nazarshoyev in 1998; and former Chairman of the Parliamentary Committee on Legislation and Human Rights Safarali Kenjayev in 1998.

In March seven men were convicted of the May 2001 murder of First Deputy Minister of the Interior Habib Sanginov and were sentenced to death; there were allegations of torture and judicial impropriety during the investigation and trial (see Sections 1.c. and 1.e.). Also in March, one man was convicted and sentenced to death in the May 2001 killing of Sobirjon Begijonov, Chairman of Jabborasulov District in Sughd Oblast. In November murder charges were filed against four other men in connection with this case; all five allegedly were part of a "criminal gang" of 35 persons that was charged in November with various murders dating back to 1994. In July one man was convicted and sentenced to death in the September 2001 killing of Minister of Culture Abdurahim Rahimov.

In June two brothers, Dovud and Sherali Nazriev, were executed after being convicted in May 2001 on charges of the 2000 attempted assassination of the Mayor of Dushanbe (who is also the Chairman of Parliament). The Deputy Minister of Security was also killed in the attack, although the brothers were not charged directly with his death. The execution, which was delayed pending an appeal, was eventually carried out despite a request for a further delay from the U.N. Human Rights Commission while it examined the case.

In September two men--one a former District-level Government official--were arrested for the 1996 killing of Russian journalist Viktor Nikulin. The trial was ongoing at year's end (see Section 2.a.).

There were no developments in some political killings from past years including: The April 2001 abduction and killing of three Dushanbe policemen; the July 2001 killing of Karim Yuldoshev, the Presidential Advisor on

International Affairs; the 2000 killing of the Chairman of the State Radio and Television Committee, Saif Rahimov (Rahimzoda); or the 2000 killing of Khovar State Information Agency correspondent Aleksandr Olpatov.

There were reports of a number of deaths in custody; however, statistics were unavailable. It was unclear what proportion of these deaths resulted from mistreatment by police and prison authorities or from harsh prison conditions and lack of food and adequate medical treatment (see Section 1.c.).

Both the Government and the opposition used landmines during the civil war. Landmine explosions in some unmarked mine fields in the Karetegin Valley reportedly killed civilians during the year. Landmines were laid along the northern segment of the border with Uzbekistan, which included some populated areas and was not demarcated clearly in most places. The Government of Uzbekistan claimed that it laid the mines as part of a counterinsurgency campaign. The State Border Protection Committee reported that 58 persons were killed by landmine explosions during the year along the Uzbek border. Estimates were unavailable for landmine deaths elsewhere in the country. In December the Ministry of Defense announced that the Government had cleared more than 770 square miles and 420 miles of roads of mines during the year and estimated that more than 16,000 mines remained in the country.

The Government Drug Control Agency reported instances in which Tajik border guards were killed on the Afghanistan border in gun battles with narcotics traffickers. International observers and Russian and Tajik Border forces also alleged that Tajik and Afghan criminal groups engaged in narcotics smuggling killed members of the border area populations. There were also reports that these same criminal groups took local residents hostage (see Section 1.b.).

There were no developments in the cases of an April 2001 bombing at a Dushanbe market that killed three persons and injured 11 and of the 2000 landmine explosion on a public bus on the outskirts of Dushanbe that killed at least five passengers.

A police investigation concluded that the October and December 2001 shooting deaths of two Baha'i residents of Dushanbe was religiously motivated, and in November the Government filed charges against a "criminal group" of 35 persons for murders and assassinations dating back to 1994, including the 2001 Baha'i killings (see Section 2.c.).

The Government routinely sentenced criminal defendants to death in trials that violated norms of due process and human rights. During pretrial detention, the police often beat and otherwise coerced suspects into making confessions, which were introduced into trial without qualification (see Sections 1.c., 1.d., and 1.e.). Amnesty International reported that 29 persons were sentenced to death in the first 6 months of the year, that none of them received a fair trial, and that executions often were conducted in secrecy. A witness in the murder trial of those accused of the 2001 killing of Deputy Minister of Justice Habib Sanginov recanted in court his earlier testimony, claiming that he had been tortured into making false statements. His testimony was retained as evidence, on the basis of which four men were sentenced to death (see Section 1.e.). The Prosecutor General's office as well as senior Government officials continued to defend the Government's application of the death penalty.

b. Disappearance

There were no reports of politically motivated disappearances; however, there were numerous kidnappings.

The taking of hostages for revenge or for bargaining purposes remained a common occurrence. In October the Ministry of Security reportedly stated that Afghan-based drug trafficking groups took hostage 24 residents of the border areas as penalties for unpaid debts or to secure cooperation in narcotics trafficking. Those kidnaped reportedly were held in northern Afghanistan (see Section 1.c.).

Political pressures, the Government's lack of control over violently competitive factions within and outside the Government, and a lack of professional resources hampered police efforts to investigate disappearances. For example, there were no developments in the 2000 abduction and later release of the sister of Deputy Prime Minister Nigina Sharapovna or in the 2000 disappearance of the ethnic Uzbek mayor of a town in Khatlon District.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture; however, there were reports that security officials, particularly those in the Ministry of Interior, used systematic beatings to extort confessions and used sexual abuse and electrocution during

interrogations. Impunity remained a serious problem, and the Government prosecuted few of the persons who committed these abuses. In July nine officers of the Ministry of Interior were tried and convicted on charges of abuses of power and use of prohibited methods of interrogation; they were sentenced to terms of imprisonment ranging from 3 to 7 years. This group included the Deputy Chairman of the Ministry of Interior Administration for Sughd Oblast and the chairman of its administration for the city of Khojand, Sughd's administrative center. Government officials, including security forces, harassed members of the opposition IRPT in the north of the country. The Government acknowledged that the security forces were corrupt and that most citizens choose to keep silent when subjected to mistreatment rather than risk retaliation by the police.

In the southern regions of the country, many border guards were involved in the drug trade, and the local population made numerous complaints of harassment and abuses committed by them. There were reports of widespread invasive and degrading searches by border guards, particularly with regard to women. The nongovernmental organization (NGO) Modar reported that in May and June women crossing into Uzbekistan and Kyrgyzstan commonly were subjected to strip searches by officials on both sides of the border, with such objectives as preventing narcotics trafficking or harassing the individual (see Section 2.d.). In February several border guards were convicted of "abuse of power" and sentenced to 6 years imprisonment for harassment, extortion, and corruption.

Law enforcement authorities mistreated members of the country's Afghan refugee population. In June a Dushanbe city police officer arrested an Afghan refugee for having expired refugee documents and beat him after an attempted escape (see Section 2.d.). There were widespread claims of petty harassment of Afghan refugees. There were no developments in the case of a prominent Afghan refugee who credibly claimed that Ministry of Interior officers beat him in 2000 in retaliation for previous claims of abuse (see Section 2.d.).

Unlike in the previous year, there were no reports that law enforcement authorities (or armed individuals dressed as, and claiming to be law enforcement authorities) beat journalists (see Section 2.a.).

Some government officials facilitated trafficking in persons (see Section 6.f.).

Investigations continued into several 2001 cases of shootings, bombings, and terrorist attacks that resulted in injuries and serious property damage as well as deaths (see Section 1.a.). Groups that have not accepted the peace process (i.e., organized crime groups, narcotics traffickers, or opposition groups) were suspected to be responsible for these attacks.

According to credible Tajik counternarcotics law enforcement authorities, Tajik and Afghan criminal groups engaged in narcotics smuggling across the country's border with Afghanistan and threatened, harassed, and committed abuses against the border area populations (see Section 1.b.).

Conditions in the country's seven prisons remained harsh and life threatening. In June the Government transferred administrative responsibility for prisons from the Ministry of Interior to the Ministry of Justice, a move which the OSCE characterized as a step toward "fulfilling international standards." Prisons generally were overcrowded, unsanitary, and disease-ridden. Some prisoners died of hunger. Family members were allowed access to prisoners only after a guilty verdict, in accordance with the law. However, family members of prisoners sentenced to capital punishment were not informed of the date of the execution and were not allowed access to the prisoner's effects or remains after the sentence was carried out. Men and women were housed separately; there is one women's prison. There is one prison specifically for members of "power ministries" (police, KGB, military personnel). Juveniles were held in separate juvenile reform facilities. Pretrial detainees were held separately from those convicted. Beatings were common.

In August 2001, the Government decreed an amnesty for more than 19,000 prisoners, primarily the sick and the old, and those convicted of minor narcotics trafficking offenses; however, not all of the amnestied prisoners were released, although some persons convicted of crimes during the year had their sentences immediately waived under the amnesty.

The Government permits some prison visits by international human rights observers; however, the Government denied requests by the International Committee of the Red Cross (ICRC) to make prison visits in a manner consistent with the ICRC's standard modalities.

d. Arbitrary Arrest, Detention, or Exile

The Government continued to arrest and detain citizens arbitrarily. The Criminal Code retains many of the defects

inherited from Soviet times. For example, the system allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days, after which the accused must be charged officially. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction any remaining detention time. The Criminal Code specifies that all investigations must be completed 1 month before the 15-month maximum in order to allow time for the defense to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. Officials regularly refused detainees access to counsel. Incommunicado detention was a problem (see Section 1.a.). For example, on September 3, Ministry of Security officials in Dushanbe detained 10 Afghan refugees and held them incommunicado until 8 members of the group were deported on September 17. The Government arrested a number of persons in connection with political killings from previous years; many of those arrested were held incommunicado for long periods of time and were still in police custody despite not being formally charged at year's end. There is no provision for bail, and lengthy pretrial detention was a problem.

In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, did not obtain arrest warrants and did not bring charges. Those released often claimed that they were mistreated and beaten during detention (see Section 1.c.).

The Government made politically motivated arrests, and there were credible allegations of illegal government detention of members of rival political factions. Local and international observers questioned whether arrests in several investigations of political killings were politically motivated. For example, in March six men were convicted of murder in the 2001 killing of Deputy Minister of Justice Habib Sanginov. There were widespread allegations that the investigation and trial were politically motivated and that there were serious irregularities during the trial (see Sections 1.a., 1.c., and 1.e.). Reportedly there was little connection between some of those convicted and the alleged plotters of the murder, and several international observers noted that the prosecutors' claims of drug trafficking by the victim appeared to be a coverup for other possible motives in the case.

According to the Ministry of Interior, 142 members of Hizb ut-Tahrir, an extremist Islamic organization, were convicted and sentenced in connection with various crimes related to their party membership during the year (see Section 2.c.).

The Constitution states that no one can be exiled without a legal basis, and no laws establish a legal basis for exile. There were no reports of forced exile; however, some opponents of the Government remained in self-imposed exile. During the year, Oleg Panfilov, the head of the Center for Journalism in Extreme Situations--in self-imposed exile since 1997--returned to the country for several short trips but then returned to self-imposed exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judicial system was subject to the influence of executive authorities. Armed criminal groups directly influenced judicial officials at all levels. Public order improved during the year. However, the erosion of public order and judicial integrity that took place during the civil war, largely as a result of the virtual immunity from prosecution of armed militia groups, has yet to be overcome.

Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and national level for the most part are poorly trained and lack understanding of the concept of an independent judiciary. The Government made some progress in this respect by instituting regular examinations to screen unqualified candidates for judgeships. Judges at all levels have extremely poor access to legal reference materials. Bribery of prosecutors and judges was a common practice.

The court system, largely unmodified from the Soviet period, includes city, district, regional, and national levels, with a parallel military court system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including the Constitutional Court.

Military courts only try civilians in extremely rare circumstances, such as when a crime is committed by both a serviceman and a civilian. A military judge and two officers drawn from the service ranks hear such cases.

According to the law, trials are public, except in cases involving national security or the protection of minors. Once a case is entered for trial, the law states that it must be brought before a judge within 28 days; however, it is common for cases to be delayed for many months before trial begins (see Section 1.d.). The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. However, in practice arrested persons often were denied prompt, and in some cases any, access to an attorney.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony theoretically is given equal consideration, regardless of the ethnicity or gender of the witness. Ministry of Justice officials maintained that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute that presumes the guilt of all persons brought to trial. However, in practice bringing charges tended to suggest guilt, and Government officials routinely made public pretrial statements proclaiming a suspect's guilt.

Law enforcement officials often used torture and beatings as methods of coercing evidence, including confessions (see Section 1.c.). Such evidence routinely was used in trial without qualification, as in the 2001-2002 trial of seven persons charged with the 2001 murder of Deputy Interior Minister Habib Sanginov (see Section 1.a.). Kiemmidin Mizoyev, the alleged leader of the plot, recanted his confession in court, claiming that he had been tortured into giving false testimony. His testimony was used to convict five others on March 27, all of whom also claimed they had been tortured and forced to sign false statements.

Some factions of the Government allegedly used the investigations of high profile cases to carry out political attacks on other factions of the Government. Given the low level of available information regarding the pretrial, investigation, and trial phases of the criminal process, and the Government's refusal to allow the ICRC and other groups regular access to prisons in accordance with their standard procedures, the number of such political prisoners was unknown.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except "in cases prescribed by law;" however, the authorities continued to infringe on citizens' right to privacy. Except for special circumstances, the law prohibits police from entering and searching a private home without the approval of the procurator. When police do enter and search without prior approval, they must inform the procurator within 24 hours; however, police frequently ignored these requirements. There is no independent judicial review of police searches conducted without a warrant. Police also may enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security.

In August the Government resettled 500 residents of the country's eastern Gorno-Badakhshan Autonomous oblast after their village was destroyed by a landslide. The Government claimed the villagers asked to be resettled; however, the villagers claimed they were told that they would be denied emergency assistance unless they moved to a collective farm in Bishkent, near the Uzbek border in the south of Khatlon oblast (see Section 2.d.). Previous voluntary resettlement plans involving Bishkent were criticized for the Government's failure to deliver on promises of housing, potable water, land grants, and other social services (see Section 2.d.).

Police and Ministry of Interior officials often harassed the families of suspects in pretrial detention or threatened to do so in order to elicit confessions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. Journalists, broadcasters, and individual citizens who disagreed with government policies on occasion were discouraged from speaking freely or critically. In November nine television journalists in Khojand were detained by local military authorities following the broadcast of a documentary they had produced regarding "press-ganging" and other irregularities in the fall conscription campaign; six of the journalists were released while the other three were drafted into the military. The Khojand regional military command agreed to assign the journalist to the military's public affairs unit while permitting them to continue their employment at a local television station. Government officials criticized the local military officials' "excessive" actions but also claimed that the three

reporters were draft evaders. In September state television Kulob correspondent Suhrob Farrukhshoev was fired after publishing a freelance article on the spread of typhoid in President Rahmonov's home region. Television management told Farrukhshoev that they were following orders from the Kulob local administration. Farrukhshoev subsequently obtained employment at an independent media NGO that regularly featured criticism of the Government.

In April the Government enacted new media legislation reaffirming the right to free speech and criminalizing interference with journalists' work; however, journalists reported that government officials improperly limited their access to information or provided "friendly advice" on what news should not be covered. The Government also controlled the printing presses and the supply of newsprint and broadcasting facilities and subsidized the large majority of publications and productions. Editors and journalists, fearful of reprisals, exercised some self-censorship; however, a number of publications published articles highly critical of the Government.

The number of independent and local newspapers continued to increase during the year. Although only a small number of newspapers attempted to cover serious news, several new newspapers focused on news and analysis. Several newspapers are organs of political parties or blocs.

There is one government-run television network; its several local stations covered regional and local issues from an official point of view. Opposition politicians had little access to it; however, it continued to broadcast a series of political party debates organized by the International Foundation for Electoral Systems. There were 36 nongovernmental television stations--not all of which operated at any one time and only a handful of which were genuinely independent. Some of these independent stations have independent studio facilities and broadcast equipment, but most depended on government-owned transmission equipment. In June four independent television stations' licenses were suspended for non-payment of fees for use of government equipment. An independent station in Khojand continued broadcasting political party debates sponsored by the OSCE's Khojand office. Although the Government permitted a daily Uzbek radio broadcast, broadcast time was dominated by Tajik and Russian language programs; however, there was a weekly television broadcast.

Independent radio and television stations continued to experience administrative and legal harassment. To obtain licenses, independent television stations must work through the Ministry of Communications and the State Television and Radio Committee. At every stage of the bureaucratic process, there are high official and unofficial fees. The process of obtaining licenses is lengthy, sometimes taking years. Those who are denied licenses were allowed to reapply; however, there was no formal appeals process. In August the Government issued licenses for the first time to three independent radio stations in the capital. One of the stations had waited for nearly 4 years without a formal reply to its application. In July the Television and Radio Committee refused the station's application; however, following pressure from domestic and international media and other organizations, President Rahmonov instructed the Committee to issue the license. The other two radio stations received their licenses concurrently.

Journalists on occasion were subject to harassment and intimidation, sometimes perpetrated by government authorities. In July the Government dropped charges of attempting to overthrow the state against journalist Dodojon Atovulloev, and the General Prosecutor publicly stated that Atovulloev could return to the country and continue publishing his newspaper. In September Ahtam Tohirov, former Deputy Chairman of the Tax Committee of the Kofarnihon District, and a second man were arrested for the 1996 killing of Russian journalist Viktor Nikulin (see Section 1.a.).

Journalist Oleg Panfilov returned from self-imposed exile to Tajikistan on several short trips and participated in several forums on independent media (see Section 1.d.).

There were no developments in the 2000 case of a reporter for the state-owned newspaper Jumhuriyat who was seized and severely beaten by Dushanbe militiamen.

There are five Internet service providers--one wholly state-owned and four privately owned. High fees and limited capacity put access to the Internet out of reach for most citizens. The Government did not block access to or censor the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice and

exercised strict control over organizations and activities of a political nature. Nonpolitical associations, such as trade unions, are allowed to meet (see Section 6.a.). Registered organizations must apply for a permit from the local executive committee in order to organize legally any public assembly or demonstration. At times permits were granted, but on occasion the Government took reprisals against organizers. Fear of reprisal was so widespread that public assemblies or demonstrations of a political nature were rare. In May a group of women in Kulyab shouted slogans at the visiting Prime Minister in protest of poor economic conditions; some members of the group were approached and questioned afterwards by security personnel, but none were detained. In June 50 demonstrators protested the scarcity of tickets for railroad travel to Russia; the Government took no punitive action against the demonstrators.

The Constitution provides for freedom of association; however, the Government restricted this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for nonpolitical associations, including trade unions, this right is circumscribed by the requirement in the Law on Nongovernmental Associations that all organizations first must register with the Ministry of Justice--a process often slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delays the granting of registration. There were reports of delays in the process if organizations failed to pay bribes to working-level officials. In June the President and Minister of Justice addressed a national forum of NGOs--most of which were involved in social work--and expressed support for the work done by these organizations. The Minister of Justice pledged to simplify the registration process for new NGOs and called for the Ministry of State Revenues to work together with the Ministry of Justice to resolve NGO taxation problems. A government working group was formed to address the issue of new legislation on taxes for non-profit organizations.

Parties of religious character are permitted to register; one such party--the IRPT--has done so.

There are six political parties and five "movements" registered with the Government. In January 2001, the Supreme Court banned the "Adolatkhoh" (Justice) Party on the grounds of insufficient membership, although party officials alleged that the ruling resulted from criticism of the Government's economic policy. Three other parties are banned officially: The Party of Popular Unity (banned in 1998), the Agrarian Party (banned in 1999), and the "Tehran platform" faction of the Democratic Party (banned in 1999). In October the Agrarian Party formally merged with the registered wing of the Democratic Party, and its membership was incorporated into the Democratic Party. In December the Government registered the Social Democratic Party (SDPT), following six previous unexplained denials. The SDPT--previously known as the Party of Justice and Progress--changed its name in 2000 after several unsuccessful registration attempts. In March the Unity Party was formed and applied for registration with the Government; its first application was denied in May for "membership irregularities." A second application submitted in June was pending at year's end. A 1998 law prohibits political parties from receiving support from religious institutions.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions. There is no state religion. The Government monitors the activities of religious institutions to control their political activity. Hizb ut-Tahrir members were subject to arrest and imprisonment for subversion. President Rahmonov defends secularism aggressively and describes Islamic extremists as a threat to national security.

According to the Law on Religion and Religious Organizations, religious communities must be registered by the State Committee on Religious Affairs (SCRA). While the official reason given to justify registration is to ensure that religious groups act in accordance with the law, the practical purpose is to ensure that they do not become overly political. The Government did not explicitly ban, prohibit, or discourage specific religions; however, local authorities in some cases used the registration requirement in attempts to prevent the activity of some groups. For example, in August and September, authorities in the northern Sughd region closed a number of unregistered mosques in the districts of Isfara and Jabbarasulov. Most of these mosques registered with the Government and were officially re-opened; eight remained "closed," although parishioners continued to pray there. In November government officials closed one of these mosques and a madrassa in the Isfara area after the imam and his family apparently fled the village.

In July and August, government officials in Sughd carried out an "attestation" of all imams in the region, through which all imams were tested on their knowledge of Islamic teachings and religious principles. Although the test was designed by the Council of Islamic Scholars, technically a nongovernmental body, it was approved by the SCRA, which enforced the results of the test. As a result, 15 imams were removed from their posts; 3 of the imams were members of the IRPT and were removed for that reason. Local observers alleged that the Government used the

testing process as a means to silence certain politically outspoken religious figures.

Government policies reflect a pervasive fear of Islamic fundamentalism among the Muslim population. The Government banned specifically the activity of Hizb ut-Tahrir, which has developed a significant following among the ethnic Uzbek population in the north. The Government continued arrests and trials of Hizb ut-Tahrir members on charges of subversion; in October a Ministry of Security official announced that 142 members of the banned party had been sentenced to varying jail terms during the year (see Section 1.d.).

Unlike in the past, the Government did not impose restrictions on the number of pilgrims allowed to undertake the hajj; however, regional quotas were imposed, which led to corruption in selling quota allotments.

Government officials at times restricted other religious activities by Muslims as well. Government printing houses reportedly were forbidden to publish texts in Arabic and as a rule do not publish religious literature. There were no restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remained in place. These restrictions reportedly were based on political concerns, but affected religious instruction. Missionaries were not restricted legally and proselytize openly; however, the Government's fear of Islamic terrorists prompted it to restrict visas for Muslim missionaries.

In the spring of 2001, there were reports that local authorities in the city of Kurgan-Tyube prevented a Christian church from registering. The church appealed to the SCRA, and in January the church was registered.

Baha'i groups experienced some harassment at local levels. The Government arrested approximately 40 persons in connection with the October and November 2001 killing of two Baha'i residents of Dushanbe; in November the Government formally charged three of these individuals with the murders, one of whom also was charged with the 1999 murder of a leader of Dushanbe's Baha'i community (see Section 1.a.). In July local officials refused to register a Baha'i congregation in the northern Sughd region, but the congregation was registered after the SCRA intervened.

Government law enforcement and security agencies continued their investigation of the 2000 bombings of the Svyato-Nikolskii Russian Orthodox Church and a Seventh Day Adventist Church in Dushanbe, but no progress was reported by year's end.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government imposed some restrictions on them. Both citizens and foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. This restriction was not always enforced along the western part of the border with Afghanistan, but a special visa generally was required for travelers--including international workers and diplomats--to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest was not restricted significantly, except occasionally at the border, which was closed intermittently by Uzbekistan during the year. In November 2001, the Ministry of Security announced that diplomats and international aid workers could travel to the Afghanistan border region without prior authorization, although 48-hour prior notice to the Ministry of Security was required. This system generally worked in practice, although personnel from the Russian Border Forces guarding the Tajik-Afghan border occasionally restricted border crossings.

Villagers in the eastern GBAO--who had been resettled after a landslide destroyed their village--claimed they were told that they would be denied emergency assistance unless they moved to a collective farm near the Uzbek border. Previous voluntary resettlements to that area were criticized for the Government's failure to deliver on promises of various support services (see Section 1.f.).

There were reports that border guards in the northern regions routinely subjected travelers to degrading searches for narcotics, particularly in the case of women (see Section 1.c.).

Foreign travelers who wish to remain in the country longer than 3 days were required to register with central authorities, and regulations required registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely were ignored in practice. There are no legal restrictions for citizens on changing residence or workplace.

In August the Ministry of Security dropped its requirement for citizens to obtain an exit visa before traveling abroad, and citizens with a valid passport may travel abroad without further authorization.

There is no law on emigration. Persons who wish to emigrate to the former Soviet Union must notify the Ministry of Interior prior to their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive an immigrant visa from the relevant country's embassy in order to obtain their passport. Persons who settle abroad are required to inform the Tajikistan Embassy or Tajikistan interests section of the nearest Russian Embassy or consulate. Labor migration was an important economic factor, and in 2001 an estimated 500 to 800 thousand persons traveled out of the country looking for work.

Persons who wish to return to the country after having emigrated must submit their applications to the Embassy of Tajikistan or Tajikistan interests section of the nearest Russian Embassy or consulate. The Government adjudicates requests on a case-by-case basis. There was no indication that persons, other than those who fled the country for political reasons after the civil war, were not permitted to return freely. Some persons active with the Tajik opposition with expired travel documents occasionally had difficulty obtaining new documents permitting them to return. During the year, the Government worked with international organizations to assist the return of approximately 800 Tajik students from Pakistan, many of whom were children of refugees who fled to Afghanistan and Pakistan during the 1992-97 civil war and who remained in Pakistan after their families returned home at the end of the war. A small number of persons remained displaced internally as a result of the civil war. The Government provided protection and modest assistance and cooperated with international organizations to resettle them voluntarily.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return to Tajikistan, as well as thousands from the former Soviet Union, returned to the country. Nearly all occupied houses were returned to their original UTO fighter owners (approximately 15,000 to 16,000 persons), although a small number of disputes remained to be settled.

The Constitution provides for the granting of asylum and refugee status in accordance with 1951 U.N. Convention and its 1967 Protocol. Under the law, a person granted refugee status is provided with the right to work and to move freely throughout the country. In August the State Migration Service under the Ministry of Labor, which has responsibility for the registration of refugees, resumed its refugee status determination and registration processes, suspended in 2000. The suspension left many Afghan refugees without valid documents and therefore vulnerable to harassment by security forces. The Government cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. According to the UNHCR, 2,784 asylum seekers were granted refugee status, and 21 cases representing approximately 100 persons were denied status. Court challenges to these denials were ongoing at year's end. During the year, 40 refugees were resettled to third countries, and approximately 800 Afghans were repatriated by the UNHCR. The UNHCR estimated that 3,500 Afghans remained in the country, not all of whom were asylum seekers.

The Government does not provide specifically for first asylum. As security improved in Afghanistan, UNHCR and the International Organization for Migration (IOM) assisted the return of approximately 2,000 displaced Afghan families camped on islands in the Pyanj River on the border with Afghanistan. By May all of the displaced persons had returned to their home villages in Afghanistan's Kunduz province.

Members of the country's Afghan refugee population were singled out for mistreatment by law enforcement authorities (see Section 1.c.). In June a Dushanbe city police officer arrested an Afghan refugee for having expired refugee documents and beat him after an attempted escape. In September the Ministry of Security in Dushanbe detained 10 Afghan refugees on charges of expired refugee documents and held them incommunicado for 2 weeks. Eight of the 10 were deported to Afghanistan later that month despite international protests and claims by the refugees' families that they feared persecution if they were returned to Afghanistan.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government peacefully and freely through elections of the President and members of Parliament; however, the Government restricted this right in practice. The country made little progress in its transition from a Soviet-model system to a more open and competitive one, and President Rahmonov and his inner circle from the Kulyab region continued to dominate the Government.

The 1999 presidential election was seriously flawed. A cumbersome registration process required candidates to obtain large numbers of signatures during a short period of time. Only President Rahmonov, who used his political

apparatus throughout the country for this purpose, was able to do so by the deadline. Prospective opposition candidates complained that local, progovernment administrators prevented them from gathering signatures. Days before the election, an apparently arbitrary Supreme Court decision allowed one of the three aspiring opposition candidates, Economics and Foreign Economic Relations Minister Davlat Usmon of the Islamic Renaissance Party, to register. Although Usmon announced that he would boycott the election unless the other two opposition figures also were allowed to run, the Central Election Commission included his name on the ballot. President Rahmonov exercised a virtual monopoly over mass media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; however, most observers agreed that these claims lacked credibility.

President Rahmonov's highly centralized PDPT controls an overwhelming majority of seats in both houses of Parliament. This control, combined with a lack of democratic culture, results in a legislative branch that is not genuinely independent of the executive branch.

A joint U.N. and OSCE mission that observed the February 2000 parliamentary elections to the Lower House of the new bicameral national Parliament noted improvements in the process compared to previous elections. Six parties, including two former segments of the disbanded UTO, were allowed to participate in the electoral process, and voters elected two members of an openly Islamic political party. However, the joint observation mission concluded that the elections failed to meet the minimum standards for equal, fair, free, secret, transparent, and accountable elections. State organs, particularly regional and local administration officials, interfered in the preparations for and conduct of the elections. At least one prospective independent candidate for the Lower House of Parliament was prevented from registering for apparently political reasons. While state television provided free broadcast time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. The independence of election observers and counting and tabulation of results were also particular problems.

In March 2000, local district assemblies elected the members of the upper house of the national Parliament in elections that were not held under international observation. Most observers and citizens believed that the large number of appointed and indirectly elected members of the upper house made the elections largely pointless.

In May 2001, parliamentary district by-elections took place in three districts. Candidates from the IRPT and the Democratic Party were not allowed to register, leaving the remaining candidates from the President's PDPT (in Sughd and Khatlon) and the Communist Party (in Dushanbe) to run unopposed. There were reports of inflated voter turnout and proxy voting in all three districts. After being denied the opportunity to register, the IRPT and the Democratic Party boycotted participation in the government election commission during the by-elections.

During the year, parliamentary district by-elections took place in the regions of Sughd (February and October) and Khatlon (May). All three elections were contested by candidates from the IRPT and the Democratic Party. There were a number of reports of inflated voter turnout, proxy voting, and irregularities in vote-counting in all three elections. In all three elections, the PDPT Party candidates were declared the victor.

There were 7 women in the 181-seat legislature and 1 female Deputy Chairperson in each of the 2 houses of Parliament. The President had one female state advisor, and there was one female minister in the Government.

Ethnic Uzbeks were represented in the Government, although not in direct policymaking roles, and there were four ethnic Uzbek members of Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights abuses; however, fear of harassment and abuse by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGOs addressing human rights. Several such domestic organizations exist. During the year, the Ministry of Justice lowered the registration fees for NGOs, which allowed a number of new organizations to register formally with the Government; however, some NGO taxation and registration problems remained (see Section 2.b.). The Government prevented some citizens, especially government officials, from participating in international and local seminars sponsored by the OSCE, the ICRC, U.N. agencies, NGOs, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in the country, frequently were critical of the Government. Government officials were somewhat responsive to the views of human rights

groups.

The Government permitted international NGOs to operate in the country on a regular basis.

The OSCE mission in Dushanbe continued to monitor human rights issues with the help of its five field offices, which experienced varying levels of cooperation with local authorities. The ICRC also maintained an office in the country under its delegation in Uzbekistan; however, the Government continued to refuse the ICRC unconditional access to prisons (see Section 1.c.).

The Government's Office for Constitutional Guarantees of Citizens' Rights under the President continued its work of investigating and answering citizens' complaints; however, the office was understaffed and received uneven cooperation from other Government institutions. Its annual report, published in May in the Government's Tajik and Russian language newspapers, was largely statistical in nature and focused on other government offices' unresponsive attitude toward citizen complaints.

In March the Government established a Commission on Fulfillment of International Human Rights Commitments chaired by the Deputy Prime Minister with responsibility for security and law enforcement affairs. The Commission was charged with preparing reports mandated by the Government's ratification of international human rights treaties, although its Chairman indicated that the Commission would accept complaints from private citizens and plans to work with the international community to address human rights concerns. The Commission's role in establishing government policy remained unclear.

Within the Parliament, the Committee on Legislation and Human Rights is charged with monitoring human rights violations; however, like the rest of the Parliament, it was not independent in practice. During the year, the Committee was not very active and issued no reports.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, political persuasion, or social status and also explicitly states that men and women have the same rights; however, in practice there was some discrimination against women.

Women

Violence against women, including spousal abuse, was a widespread problem. In both urban and rural areas, many cases of wife beating went unreported, and many reported cases were not investigated. There is a widespread reluctance to discuss the issue or provide assistance to women in abusive situations. In addition, there were widespread reports of the abduction of young women who were raped or forced to marry their abductors.

The Criminal Code prohibits rape, which is punishable by up to 20 years in prison; however, it was believed widely that most cases were unreported, and that the problem was growing, particularly in urban areas. The threat of rape often was used to intimidate women. There were no special police units for handling rape cases. There were no statistics on the number of rapists prosecuted, convicted, or punished each year.

Many domestic and international NGOs sponsored women's resource centers that address the concerns of victims of rape and domestic abuse; however, the Government's funding for such centers was extremely limited.

Prostitution is illegal; however, in practice prostitutes were not tried in court but instead were given a cursory fine and released. Pimps and madams were prosecuted regularly. The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and the sexual exploitation of women; however, prostitutes operated openly at night in some urban areas.

Trafficking of women for the purposes of sexual exploitation and forced labor was a serious problem (see Section 6.f.).

There were reports that conservative Muslims in rural areas physically harassed women for not wearing traditional attire.

The law accords women equal rights with men; however, discrimination against women remained a problem.

Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There is no formal discrimination against women in employment, education, or housing; in urban areas, women were employed throughout government, academic institutes, and enterprises. However, women faced diminishing educational opportunities and increasing poverty. Women legally are entitled to receive equal pay for equal work; however, this regulation was not always enforced in practice.

The Criminal Code protects women's rights in marriage and family matters; however, girls often were pressured to marry men that they did not choose themselves, and polygyny, although illegal, was increasingly common. Women are provided 3 years of maternity leave and monthly subsidies for each child. In rural areas, women tended to marry younger, have larger families, and receive less university education than women in cities. In rural and traditional areas, women received less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas also were much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice some inheritances passed disproportionately to sons.

Children

The Government is committed to children's rights and welfare; however, the Government did not devote financial resources adequate to maintain the social security network for child welfare. Education is compulsory until age 16; however, the law was not enforced. Public education is intended to be free and universal; however, due to a lack of resources the public school system has deteriorated to the point where it barely functions. Parents who could afford to do so sent their children to private schools or joined together and hired teachers to give their children lessons. While most children were enrolled in school up to the completion of the secondary level, actual attendance was estimated to be lower because children supplemented family income by working in the home or in informal activities (see Section 6.d.). A significant number of school-age children--as many as one in eight, according to World Bank data--worked instead of attending school. The old but illegal Soviet practice of closing high schools at cotton harvest time and putting the students to work in the field continued in some areas (see Section 6.c.).

Health care is free, but the quality and quantity of medical services were limited. It was estimated that one child in three was malnourished. The Government acknowledged that malnutrition was a severe problem and worked with international humanitarian organizations and foreign governments to support school feeding programs.

There is no societal pattern of child abuse.

Trafficking of children was a problem (see Section 6.f.).

Persons with Disabilities

The law stipulates the right of persons with disabilities to employment and adequate medical care; however, in practice the Government did not require employers to provide physical access for persons with disabilities. Persons with disabilities suffered from high unemployment and widespread discrimination as a result of financial constraints and the absence of basic technology to assist them.

There is no law mandating accessibility for persons with disabilities. There are facilities for persons with disabilities; however, funding was limited and the facilities were in poor condition. Several international NGOs provided limited assistance to persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

The law provides all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations. According to official figures, approximately 90 percent of the labor force was organized. The Federation of Trade Unions remained the dominant labor organization. The Federation consisted of 19 professional trade unions and claimed 1.5 million members--virtually all nonagricultural workers. The separate, independent Trade Union of Non-State Enterprises in 1998 had registered unions in more than 3,000 small and medium-sized enterprises, totaling approximately 30,000 employees. Many of the enterprises in which these two organizations nominally were present were not functioning because of the general economic crisis, and the membership of both declined as a result. The Council of Ministers

formally consulted both organizations during the drafting of social welfare and worker rights legislation.

The law prohibits antiunion discrimination, the use of sanctions to dissuade union membership, and the firing of a worker solely for union activity. Any complaints of discrimination against a labor union or labor union activist are considered first by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firing an employee based on union activity to reinstate the employee.

The law provides citizens, but not unions, with the right to affiliate freely with international organizations, including international labor organizations. Unions may affiliate with international bodies; however, no unions had international affiliations.

b. The Right to Organize and Bargain Collectively

Various laws provide for the right to organize and bargain collectively. Employees, members of the trade unions, and management participated in collective bargaining at the company level. Negotiations involving an industrial sector include officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsened, it became more difficult for enterprises to engage in effective collective bargaining.

The law mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration may take place at the company, sectoral, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions disavowed publicly the utility of strikes in the current economic crisis and advocated compromises between management and workers. In November and December, teachers in the northwest city of Panjakent went on a union-declared strike, claiming that they had not been paid wages for the previous 6 months. The teachers returned to work in late December following the payment of 3 months' wages and a pledge by the city administration to pay the remainder in early 2003. There were no wildcat strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children, except in cases defined in the law; however, forced or bonded labor occurred in some cases. Neither the Law on Labor Protection nor the Law on Employment, both of which predate the existing Constitution, specifically prohibits forced or bonded labor; however, the Constitution supercedes national laws. University and secondary school students regularly were compelled to participate in the cotton harvest. Persons who formerly had worked on state or collective farms could be required to pick cotton, although wages usually were not paid, and the farms did not provide the services they once did.

d. Status of Child Labor Practices and Minimum Age for Employment

Labor laws establish the minimum age for the employment of children at 16, the age at which children also may leave school legally (see Section 5). With the concurrence of the local trade union, employment may begin at the age of 15. By law workers under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 years of age may perform household-based labor and participate in agricultural work, which is classified as family assistance. As many as one in eight school-age children worked instead of attending school (see Section 5). Many children under 10 years of age worked in the bazaars or sold newspapers or consumables on the street. Trade unions are responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The Government lacks the resources and ability to regulate effectively acceptable working conditions for youths and adults, and there were no governmental or judicial initiatives to strengthen or enforce child labor legislation or regulations during the year.

The Government does not have a comprehensive policy for the elimination of the worst forms of child labor. The Government has not signed ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage, which officially was \$1.20 (4 Somoni). The minimum wage did not provide a decent standard of living for a worker and family. The Government recognized this problem and provided certain subsidies for workers and their families at the minimum wage. Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise, which the employee could sell or barter in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1.5 times the normal rate and the rest of the overtime hours paid at double the rate. Payment of overtime was inconsistent in all sectors.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government did not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. Statistics in 1993 (the latest available) indicated that over one-fifth of the population worked under substandard conditions--an estimate that most observers considered much too low. Under the law, workers may leave their jobs with 2 months' notice and may remove themselves from hazardous conditions without risking loss of employment; however, due to the poor employment situation, few did so.

Foreign workers are protected under the labor laws.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons, and it was a significant problem. There were reports that low-level government officials and border guards at least tolerated trafficking of persons.

The Government approached the IOM in July for assistance in updating its criminal code to include such prohibitions. In July and October, respectively, the lower and upper houses of Parliament ratified the U.N. Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.

Traffickers may be prosecuted under laws prohibiting exploitation of prostitution, rape, kidnaping, buying and selling of minors, illegal limitations on arrival and departure in and out of the country, document fraud, and immigration violations. The penalties for these offenses are in most cases fines or imprisonment of up to 3 years, although certain immigration violations carry a sentence of up to 10 years, and rape is punishable by up to 20 years in prison. In July the head of a trafficking network was convicted and sentenced to 5 years in prison for kidnaping, exploitation of prostitution, and document and immigration fraud. In August the Government acted on information provided by IOM to charge members of two other trafficking networks with similar offenses.

There is no single government agency responsible for combating trafficking; however, in October the Government named the deputy head of the Presidential Office for Women's and Children's Issues as its coordinator for trafficking issues and established an inter-ministerial working group on migration issues also to address trafficking issues. The IOM reported that the Ministry of Security collected data on potential cases of cross-border trafficking, while the Ministry of Labor tightened the system of licenses for companies that find employment for Tajiks interested in working abroad. The Ministry of Labor, State Border Protection Committee, and airport and railway authorities also facilitated IOM's efforts to distribute information on trafficking within Dushanbe and Khojand, and specifically at the airport and train station. The Ministry of Interior was charged formally with investigating cases of prostitution, and began investigating suspected cases of trafficking in persons.

The country is a source and--to a lesser extent--a transit point for trafficked persons, primarily women. Trafficking within the country was also a problem. Ministry of Security records of crimes and deportations contained more than 900 cases of women prior to 2000 who may have been victims of trafficking. IOM estimated that at least 660 persons were trafficked from March to December. Victims came primarily from Khojand or Dushanbe, and most commonly were trafficked to Central Asia and the Middle East, including the United Arab Emirates (UAE), Yemen, Iran, and Saudi Arabia. Other trafficking destinations were Russia, other former Soviet Union countries, and Turkey. There also may be trafficking of Afghan women through the country to these destinations. The majority of victims were female, ethnically Tajik, single, aged 20 to 26, usually with at least one child (the children typically came under the care of extended family), and were new arrivals to Dushanbe or Khojand from a rural upbringing with little education. Ethnic minorities were overrepresented among victims, particularly those of Slavic origin.

There were reports of trafficking in children who are used as drug couriers. For example, in November a woman was arrested at a border crossing in northern Tajikistan with an infant that she claimed was her child; the child's diapers contained packets of heroin, and the child later was determined to be that of the woman's sister.

Victims commonly were recruited through false promises of employment. "Advertising" often was done through social contacts, because traffickers employed their local status and prestige to help recruit victims. There also were cases of false weddings and, more rarely, kidnappings (usually in rural areas). Traffickers generally transported victims by air to the Middle East and by train to Russia and other former Soviet Union countries. Traffickers tightly controlled arrangements for travel and lodging and employed contacts among tourism agencies. They sometimes employed document falsification services in order to evade entry restrictions in destination countries. Victims commonly were not separated from their travel documents until arrival in the destination country. Debt bondage was a common form of control. There were also reports of Tajik medical professionals--both male and female--trafficked to Yemen to work at medical clinics for substandard wages; traffickers reportedly seized their travel documents and forced female medical personnel into prostitution.

Traffickers included individuals who rose to positions of power and wealth as field commanders--so-called "warlords"--during the Tajik civil war. Others--including women--were powerful local figures who used their wealth to cultivate patron-client relationships throughout their community; this created a network that communicated supply and demand for trafficking victims.

Corruption was endemic in the country, and reports indicated that low-level government authorities working in customs, border control, immigration, police, and tourism received bribes from traffickers. Further, there was reason to believe that certain figures in the Government acted as patrons or protectors of individuals who were involved directly in trafficking. However, there was no indication of widespread institutional involvement in trafficking by the Government.

The Government did not prosecute any reported victims of trafficking. There were few resources available to victims of trafficking and none from the Government. Blackmail was employed commonly in the country's conservative society--nearly half of the trafficked women in IOM's survey reported extortion by local officials upon return to the country. Victims usually did not pursue legal recourse against traffickers due to the social stigma attached to the problem. However, the Government endorsed efforts by international and domestic NGOs to prevent trafficking and provide services to victims.

Some NGO programs intended to increase awareness of trafficking exist, with support from international organizations. For example, the NGO Modar in the Sughd region provided a number of services to victims of trafficking and carried out a wide range of informational programs in conjunction with local authorities in Sughd. Modar also worked to direct trafficking victims to other NGOs providing social services that could be of benefit, such as those targeted at abused women. The NGO Women Scientists ran a crisis center for abused women, which provided services to trafficked women as well. In September the NGO Gamkhori in the southern city of Kurgan-Teppe began operating a crisis center and hotline for victims of trafficking and other abused women. Gamkhori also worked with local government officials throughout Khatlon oblast to conduct training and awareness seminars for officials and the public.